

## House Bill 15

By: Representatives Levitas of the 82<sup>nd</sup>, Lunsford of the 110<sup>th</sup>, Wilkinson of the 52<sup>nd</sup>, Jerguson of the 22<sup>nd</sup>, Mitchell of the 88<sup>th</sup>, and others

## A BILL TO BE ENTITLED

## AN ACT

To amend Code Section 50-13-4 of the Official Code of Georgia Annotated, relating to procedures for adoption, amendment, or repeal of rules under the "Georgia Administrative Procedure Act," so as to change certain procedures; to change matters relative to legislative review; to provide for proposed rules to be made available to and made available by the Secretary of the Senate and the Clerk of the House of Representatives; to provide for new and revised procedures relative to legislative override; to provide for other related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 50-13-4 of the Official Code of Georgia Annotated, relating to procedures for adoption, amendment, or repeal of rules under the "Georgia Administrative Procedure Act," is amended by revising subsections (e) and (f) as follows:

"(e)(1) The agency shall transmit the notice provided for in paragraph (1) of subsection (a) of this Code section to the legislative counsel. The notice shall be transmitted at least 30 days prior to the date of the agency's intended action. Within three days after receipt of the notice, if possible, the legislative counsel shall ~~furnish~~ provide a copy of the notice to the presiding officers of each house with a copy of the notice, and the Secretary of the Senate and the Clerk of the House of Representatives.

(2) The presiding officers shall assign the notice to the chairperson of the appropriate standing committee in each house for review and any member ~~thereof~~ of each house who makes a standing written request. In the event a presiding officer is unavailable for the purpose of making the assignment within the time limitations, the legislative counsel shall assign the notice to the chairperson of the appropriate standing committee. The legislative counsel shall also transmit within the time limitations provided in this subsection a notice of the assignment to the chairperson of the appropriate standing committee. Each standing committee of the Senate and the House of Representatives is

granted all the rights provided for interested persons and governmental subdivisions in paragraph (2) of subsection (a) of this Code section.

(3) The Secretary of the Senate and the Clerk of the House of Representatives shall make the notice available for public inspection.

(f)(1) In the event a standing committee to which a notice is assigned as provided in paragraph (2) of subsection (e) of this Code section files an objection to a proposed rule prior to its adoption and the agency adopts the proposed rule over the objection, the rule may be considered by the branch of the General Assembly whose committee objected to its adoption by the introduction of a resolution for the purpose of overriding the rule at any time within the first 30 days of the next regular session of the General Assembly. It shall be the duty of any agency which adopts a proposed rule over such objection to notify the presiding officers of the Senate and the House of Representatives, the ~~chairmen~~ chairpersons of the Senate and House committees to which the rule was referred, and the legislative counsel within ten days after the adoption of the rule. In the event the resolution is adopted by such branch of the General Assembly, it shall be immediately transmitted to the other branch of the General Assembly. It shall be the duty of the presiding officer of the other branch of the General Assembly to have the full membership of such branch, within five days after the receipt of the resolution, to ~~consider~~ vote for or against the resolution ~~for the purpose of overriding the rule~~. In the event the resolution is adopted by two-thirds of the votes of each branch of the General Assembly, the rule shall be void on the day after the adoption of the resolution by the second branch of the General Assembly. In the event the resolution is ratified by less than two-thirds of the votes of either branch, the resolution shall be submitted to the Governor for his or her approval or veto. In the event of his or her veto, the rule shall remain in effect. In the event of his or her approval, the rule shall be void on the day after the date of his or her approval.

(2) In the event each standing committee to which a notice is assigned as provided in paragraph (2) of subsection (e) of this Code section files an objection to a proposed rule prior to its adoption by a two-thirds' vote of the members of the committee who were voting members on the tenth day of the current or most recent session, after having given public notice of the time, place, and purpose of such vote at least 48 hours in advance, as well as the opportunity for members of the public, including the promulgating agency, to have a reasonable time to comment on the proposed committee action at the hearing and the agency adopts the proposed rule over the objection, the effectiveness of such rule shall be stayed until the next legislative session at which time the rule may be considered by the General Assembly by the introduction of a resolution in either branch of the General Assembly for the purpose of overriding the rule at any time within the first 30

64 days of the next regular session of the General Assembly. In the event the resolution is  
65 adopted by the branch of the General Assembly in which it was introduced, it shall be  
66 immediately transmitted to the other branch of the General Assembly. It shall be the duty  
67 of the presiding officer of the other branch of the General Assembly to have the full  
68 membership of such branch, within five days after the receipt of the resolution, ~~to~~  
69 ~~consider~~ vote for or against the resolution ~~for the purpose of overriding the rule~~. In the  
70 event the resolution is adopted by two-thirds of the votes of each branch of the General  
71 Assembly, the rule shall be void on the day after the adoption of the resolution by the  
72 second branch of the General Assembly. In the event the resolution is ratified by less  
73 than two-thirds of the votes of either branch, the resolution shall be submitted to the  
74 Governor for his or her approval or veto. In the event of his or her veto, the rule shall  
75 remain in effect. In the event of his or her approval, the rule shall be void on the day after  
76 the date of his or her approval. If after the thirtieth legislative day of the legislative  
77 session of which the challenged rule was to be considered the General Assembly has not  
78 considered an override of the challenged rule pursuant to this subsection, the rule shall  
79 then immediately take effect.

80 (3)(A) In the event that an objection to a proposed rule is filed with signatures of at  
81 least 91 members of the House of Representatives or of at least 29 members of the  
82 Senate prior to its adoption, which members were voting members on the tenth day of  
83 the current or most recent session, after having given public notice of the filing of the  
84 objection as well as the opportunity for members of the public, including the  
85 promulgating agency, to have a reasonable time to comment on the proposed objection  
86 at a hearing, the place, time, and purpose of which shall be included as part of the  
87 objection, and the agency adopts the proposed rule over the objection, the effectiveness  
88 of such rule shall be stayed until the next legislative session at which time the rule may  
89 be considered by the General Assembly by the introduction of a resolution in either  
90 branch of the General Assembly for the purpose of overriding the rule at any time  
91 within the first 30 days of the next regular session of the General Assembly. In the  
92 event the resolution is adopted by the branch of the General Assembly in which it was  
93 introduced, it shall be immediately transmitted to the other branch of the General  
94 Assembly. It shall be the duty of the presiding officer of the other branch of the  
95 General Assembly to have the full membership of such branch, within five days after  
96 the receipt of the resolution, vote for or against the resolution. In the event the  
97 resolution is adopted by two-thirds of the votes of each branch of the General  
98 Assembly, the rule shall be void on the day after the adoption of the resolution by the  
99 second branch of the General Assembly. In the event the resolution is ratified by fewer  
100 than two-thirds of the votes of either branch, the resolution shall be submitted to the

101 Governor for his or her approval or veto. In the event of his or her veto, the rule shall  
102 remain in effect. In the event of his or her approval, the rule shall be void on the day  
103 after the date of his or her approval. If after the thirtieth legislative day of the  
104 legislative session of which the challenged rule was to be considered the General  
105 Assembly has not considered an override of the challenged rule pursuant to this  
106 subsection, the rule shall then immediately take effect.  
107 (B) Each objection filed by at least 36 members of the House of Representatives or by  
108 at least 11 members of the Senate shall be granted all the rights provided for interested  
109 persons and governmental subdivisions in paragraph (2) of subsection (a) of this Code  
110 section."

111 **SECTION 2.**

112 All laws and parts of laws in conflict with this Act are repealed.